

March 18, 2004 Miller and Walker Creek Basin Plan Public Meeting
Criminal Justice Training Center 6:30PM – 8:30PM

There were about 60 people present at the meeting, including seven Project Management Team (PMT) members and staff.

Question: How will King County protect the private property rights of property owners along the creeks? How will it guarantee that private property remains private property?

Comment: The construction of wetlands and estuaries, etc. is not an exact science or an art. This citizen would want to make sure that permits and project approvals are in place that would allow Lot A owners to “undo” any modifications, returning conditions to their current state if it is deemed that the projects are a failure. He would also want King County to provide a bond to the Lot A owners.

Comment: One Lot A owner stated he is not sure what the legal decision-making language really is as it pertains to Lot A owners (one vote veto, 51% approval, or something else). He suggested that King County hire and pay for a lawyer to evaluate this.

Comment: King County Councilmember Julia Patterson thanked the project manager for the way he acknowledged the sensitivities of her constituents regarding property ownership and use, and for his efforts in putting the information into language and terms that people could understand. She appreciated his openness and positive tone in presenting this information.

Comment: Elizabeth Lien read a letter she had sent to the Normandy Park Community Club board and Lot A owners. She wrote the letter on March 1, 2004.

Comment: Instead of spending money to implement basin plan projects, the funds should be spent on schools. Kids are more important than fish.

Comment: Lot A owners have not caused the problems in the basin. Other projects in the basin should be done first. When other projects are done, then come to the Lot A owners to discuss the possibility of doing work on the estuary.

Comment: What about spending tax money on these projects? Residents pay taxes to the cities. Where is this money? We should use city money to pay for this restoration work rather than increasing fees or taxes.

Comment: Lee Alverson, a marine biologist for 55 years, is working with the Normandy Park group on the restoration work/project. He thinks the PMT will be pleased with the work that they are undertaking. He feels it is consistent with the goals of the basin plan.

Estuaries can provide very valuable ecological functions, however there are some rivers that have little to no associated estuary, so the PMT should not be so focused on estuary restoration. There are lots of complex interdependencies to be considered.

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He thinks the cut-throat trout present in the basins are sea-run.

The three goals are good.

Comment: The project manager, Bruce Bennett, took a minute on behalf of the PMT to thank the community club members, and John Patha for his leadership, for the restoration work they are undertaking (invasive weed removal and native plant planting).

Comment: Shellfish harvesting has been a use of the Miller and Walker systems. The focus shouldn't be just on zinc when looking at water quality.

Response: The project manager clarified that the proposed water quality goals specify measuring zinc removal because it is fairly easy to measure, but that the physical removal of zinc also removes other metals of concern, such as copper. Zinc is used as an indication of overall metals removal.

Comment: One participant, who is not a Lot A owner, volunteered to paint guardrails.

Comment: One participant who owns property in Burien and Normandy Park was concerned that the presentation did not focus on SeaTac airport and the highways as sources of pollutants.

Response: Both the airport and the highways were mentioned as sources of pollution. It is important to remember, however, that there are a number of sources of water pollution in the basins in addition to the airport and the highways, including areas of residential and commercial development, local roads, and parking lots.

Comment: One participant was concerned that the estimated cost of monitoring (\$50k/year) was insufficient. His understanding was that some water quality testing could cost \$5k to \$10k for a single test.

Response: The suite of water quality tests anticipated to be included in this monitoring effort is pretty well defined. Most run from a few dollars to maybe a few hundred dollars each. The \$50k cost is an annual cost, and it is based on implementing similar monitoring efforts elsewhere in the county. The flow monitoring component uses remote monitoring equipment that is maintained periodically, and downloaded every few months, typically.

Comment: One participant was suspicious about the Port of Seattle being on the Project Management Team. It is his impression that the Port does not meet Clean Water Act (CWA) requirements, and they are constantly trying to get away with doing even less. Since the Port is doing their own compliance monitoring, he wondered who was monitoring the Port?

Comment: One participant was a former Normandy Park Councilmember, and was involved in the Miller Creek Management Coalition in the early 1990's. Many of the issues that they discussed then were the same as we're discussing now (such as zinc leaching from guardrails). This gentleman, Clark Dodge, from Normandy Park, worked

for DOT Marine Division for 36 years. He urged the PMT to look at all areas/sources of pollution in the basins, and all jurisdictions.

Comment: One participant, Brett Fish, showed debris collected from Miller Creek that day. It included several pieces of garbage and rocks covered with algae. He lives on Miller Creek, and he said it is in the worst condition that he's ever seen it. He also showed two pictures of Lora Lake. One showed evidence of an ongoing algae bloom. His theory is that the nutrients are coming from runoff from the piles of fill on Port property.

He says he has seen about 500 fish per year in Miller Creek. He concurred with an earlier commenter that extensive shellfish harvesting activities have occurred in the past (crawfish) in the basin, but less so in the recent past.

Comment: One participant commented that the PMT should be working with Dennis Clark as part of the WRIA 9 nearshore efforts.

Comment: one commenter seemed surprised that the basin plan implementation cost was estimated at only \$6M. The Des Moines Basin Plan implementation is expected to cost \$18M.

Response: The project manager again emphasized that the project cost estimates were very preliminary and were likely to increase as more detailed work was done to develop project costs. It would not be at all surprising if the Miller and Walker plan cost about the same to implement as the Des Moines plan.

Comment: Another citizen expressed his opinion that Normandy Park residents are not responsible for the basin's problems and shouldn't have to pay to fix them. They felt that Burien and the Port should pay for this work. This participant wanted to know what the cost share for these projects would be.

Response: The project manager explained that the cost share for implementing projects would have to be determined. He described the cost share that was being used for the basin planning effort.

Question/Comment: One citizen asked: "Shouldn't the Port of Seattle have to clean up their discharges before the discharge goes downstream?"

Response: The project manager provided a brief description of the Port's Industrial Pretreatment System. He also briefly discussed the concept of MEP (maximum extent practicable), and reminded the attendees that very few other land uses in the basin provide any water quality treatment of municipal stormwater. They may implement best management practices (BMPs), but they do not generally provide treatment. In addition to new water quality regulations that include requirements to have water quality treatment for larger developments, the basin plan is also considering the construction of several water quality treatment facilities.

All urban streams have water quality problems. There are significant water quality problems in the Salmon Creek basin, and it is not impacted by the Port of Seattle.

Comment: One citizen expressed his desire to have money spent elsewhere, rather than worrying about the estuary. He feels that the estuary for Miller and Walker is not a saltwater estuary, and that it should be left alone. He expressed his understanding of the Lot A owners decision making as having a “1 vote veto”, and that this ownership and decision making authority would prove problematic for any project at the mouth.

Comment: Another citizen expressed his support for the three goals. He appreciates the work that has been done, but he feels the habitat goal should not focus on the estuary. He recommends the development and implementation of a long-term stream corridor management program that addresses the entire system length. He has noticed invasive weeds increasingly taking hold in the area. He'd like to see other restoration projects in the stream.

The project manager asked the citizen if he thought his neighbors would be willing to allow access to the stream via their property to conduct restoration work?

The citizen said he thought his neighbors would be willing to allow access for specific projects. He also thought some of them would be willing to participate in such efforts. Several residents did participate in the stream survey work carried out by Washington Trout, and they were very excited and enthusiastic about doing so.

The citizen also requested that the PMT incorporate the findings of the Washington Trout work into the basin plan reports.

Comment: Another citizen spoke who lives adjacent to the Walker Creek headwater wetland. She shared her distrust of the Port of Seattle.

Comment: Another citizen asked why there were no Lot A owners on the PMT. He also wondered how the PMT could make recommendations for the basin when data is lacking (as the presentation points out). He also invited the PMT members out to help in the restoration work parties at the Cove.

Comment: Another citizen also asked why no local citizen was on the PMT. He asked what would be done with the headwater wetland if/when it was purchased, in order to protect it. He objected to the characterization of water quality problems being attributed to guardrails. He was critical of the benefits of detention ponds – asserting that they only concentrate the pollutants. He wanted to know what was done with the \$250,000 that Washington State spent to look at Miller and Walker creeks. And lastly, he wanted the PMT to stay off his property and not raise his taxes.

Comment: A citizen asked what, if any, coordination or oversight was occurring at the construction projects on 1st Avenue South (crossings at Miller and Walker Creeks).

Response: The Walker Creek culvert was replaced with a 60” culvert, which is more fish friendly than what was there previously. State Department of Fish and Wildlife were

involved in that project. The recent work along 1st Av S by Miller Creek could have been more advantageous to the basin plan if the timing had been such that the proposed expansion of the Ambaum detention pond could have been completed at the same time. There are no barriers to completing the proposed detention pond expansion, but some cost savings could have been realized if the timing of the basin plan and the road construction were better aligned.

Question: A long time resident of Normandy Park asked what the PMT's intentions are if City Light does not want to cooperate? Is a feasibility study necessary?

Response: The team cannot force them to partner with us on this project. In any case, more detailed work needs to be done to investigate the potential for using the site for multiple uses (a feasibility study). From our initial review, this particular lot has many benefits. These will need to be evaluated further to satisfy City Light and other possible partners like Burien Parks. If this site is not available or further analysis finds flaws, other sites will be evaluated.

Comment: Another life-long resident of the area wished to share her distrust of the Port of Seattle. She believes they have a bad history of regulatory compliance and that they are not to be trusted.